

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	
)	3:94-CR-75-LRH-NA
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
STEPHEN FRIDGE,)	
)	
Defendant.)	
_____)	

Before the Court is Defendant Stephen Fridge's Motion to Expunge, filed on August 13, 2013. Doc. #588. The United States filed a Response in Opposition to Fridge's Motion on August 29, 2013. Doc. #591.

The Ninth Circuit "[has] recognized two sources of authority by which courts may expunge records of criminal conviction: statutes and our inherent authority [pursuant to 18 U.S.C. § 3231]." *United States v. Crowell*, 374 F.3d 790, 792 (9th Cir. 2004). The Court's ancillary jurisdiction "is limited to expunging the record of an unlawful arrest or conviction, or to correcting a clerical error." *Id.* at 793 (quoting *United States v. Sumner*, 226 F.3d 1005, 1014 (9th Cir. 2000)). The Court simply does not have the power "to expunge a record of a valid arrest and conviction solely for equitable considerations." *Id.* (quoting *Sumner*, 226 F.3d at 1014).


Here, Fridge identifies no statutory authority in support of his Motion to Expunge. Nor is

1 there any suggestion that Fridge's arrest or conviction was in any way unlawful or invalid, or that
2 there is any sort of clerical error in his record. Fridge's inability to pursue certain employment
3 related opportunities due to his felony conviction, while undoubtedly disappointing, is not unusual
4 or unwarranted. Rather, it is "the natural and intended collateral consequence[] of having been
5 convicted." *United States v. Smith*, 940 F.2d 395, 396 (9th Cir. 1991). Because the Court's
6 ancillary jurisdiction does not encompass the power to expunge a record for equitable reasons, the
7 Court denies Fridge's Motion to Expunge.

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9 IT IS THEREFORE ORDERED that Fridge's Motion to Expunge (Doc. #588) is DENIED.

10 IT IS SO ORDERED.

11 DATED this 18th day of October, 2013.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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